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SENATE BILL 706

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Richard C. Martinez

AN ACT

RELATING TO COURTS; PROVIDING DEFENDANTS IN CERTAIN ACTIONS WITH INFORMATION CONCERNING THE COURT TO WHICH THE ACTION WILL BE ASSIGNED BY A LAW ENFORCEMENT OFFICER; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 35-3-6 NMSA 1978 (being Laws 1968, Chapter 62, Section 51, as amended) is amended to read:

"35-3-6. JURISDICTION-- TERRITORIAL LIMITS. --

A. The territorial jurisdiction of a magistrate is coextensive with the magistrate district in which he serves. A magistrate also has jurisdiction in ~~[any]~~ a criminal action involving violation of a law relating to motor vehicles arising in ~~[any]~~ a magistrate district adjoining ~~[at any point that]~~ the magistrate district in which he serves and that is within

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1 magistrate trial jurisdiction. [~~provided that the~~] When a law
2 enforcement officer issues a citation for a violation of a law
3 relating to motor vehicles, he shall advise the defendant
4 regarding the magistrate district to which the officer intends
5 to assign the action and obtain the defendant's consent to that
6 assignment. A defendant is entitled to a change of venue to
7 the magistrate district where the cause of action arose if he
8 so moves at, or within fifteen days after, arraignment.

9 B. A magistrate has jurisdiction to sit in any
10 action arising in any other magistrate district when designated
11 for a specific period of time by [~~any~~] a district judge because
12 of the unavailability of a magistrate in that magistrate
13 district. [~~Any~~] A magistrate acting in another magistrate
14 district by designation [~~under~~] pursuant to this subsection
15 shall include the cases heard by designation in his own reports
16 to the administrative office of the courts, indicating on the
17 reports that his jurisdiction is by designation. No costs or
18 fees shall be collected by [~~any~~] a court for [~~any~~] a filing or
19 proceeding [~~under~~] pursuant to this subsection.

20 C. In [~~any~~] a criminal action in which a magistrate
21 has territorial jurisdiction over the offense pursuant to this
22 section, the magistrate court has personal jurisdiction over
23 the defendant for the purpose of service of process upon the
24 defendant wherever he resides or may be found within the state.

25 D. In [~~any~~] a civil action arising within the

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[bracketed material] = delete

1 magistrate's territorial jurisdiction, the magistrate court has
2 personal jurisdiction over the defendant for the purpose of
3 service of process upon the defendant wherever he resides or
4 may be found within the state.

5 E. The territorial limitations of magistrate court
6 jurisdiction shall not apply to actions to enforce judgments
7 entered in the magistrate district and writs issued in aid of
8 those actions. "

9 Section 2. EFFECTIVE DATE. --The effective date of the
10 provisions of this act is July 1, 2003.